IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

Criminal Application No.6067 of 2005

In

Criminal Appeal No.614 of 2005

Mohammed Yunus Abdul Shaikh Applicant

Vs.

The State of Maharashtra & anr. Respondents

Mr.M.Y.Sayani for applicant.

Mr.V.B.Konde-Deshmukh, APP for State.

CORAM: B.H.MARLAPALLE & SMT.R.S.DALVI,JJ.

February 20, 2006.

P.C.

. Heard Mr.Sayani, the learned counsel for the applicant-accused no.1 who is appellant no.1 in Criminal Appeal no.614 of 2005. The applicant-accused was married to deceased Apsari begum sometimes in March 1999 and on 13th July 1999 she sustained 96 per cent burn injuries late in the night and she died an unnatural death. C.R.No.201 of 1999 came to be registered against the applicant and his brother-in-law (sister's husband). Both of them were tried for offences punishable under Section 302 read with Section 34 and Section 498-A read with Section 34 of IPC for causing the death of Apsari

Begum and for ill-treating her prior to her death. The learned Addl. Sessions Judge, Greater Mumbai has convicted and sentenced both the accused for the charges thereunder and they are presently undergoing life sentence. This is an application for bail during the pendency of the appeal by accused no.1.

. The prosecution examined in all six witnesses in support of its case of circumstantial evidence. The trial Court in addition to the evidence of the complainant-father has considered the evidence of PW 4-Shamim Banu and PW 5-Malanbi Ibrahim who were the next door neighbours and held that the prosecution proved its case against the accused.

. We have heard the learned counsel for the applicant, considered the reasoning set out by the trial Court in support of the order of conviction and we are satisfied that there is no case made out to release the accused no.1 on bail pending appeal, under Section 389 of Cr.P.C.

. The application is rejected. However, the applicant is at liberty to submit a private paper book to be certified by the Registry and apply for

early hearing of the appeal on the paper book being ready.

(SMT.R.S.DALVI,J.) (B.H.MARLAPALLE,J.)